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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO, IL 60606

EXAMINER	
HSU, RYAN	

ART UNIT	PAPER NUMBER
3714	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/542,996	MOSHAL, MARTIN	
	Examiner	Art Unit	
	RYAN HSU	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 July 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *20 July 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *7/20/05; 3/22/07*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

Claims 1-3 and 6 are objected to because of the following informalities: these claims misspell "enroll" as "enrol" and "enrollment" as "enrolment" An additional letter "l" needs to be added to these claim limitations. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-5 and 8-12 rejected under 35 U.S.C. 103(a) as being unpatentable over Jordan (US 6,416,409 B1) and further in view of Torango (US 6,435,968 B1).

Regarding claims 1-5 and 8-12, Jordan teaches a jackpot wagering system that comprises a plurality of player terminals that are each operable by a respective player to place a corresponding wager on each one of a plurality of different turns in a game of chance. Additionally, Jordan teaches an accumulation facility that is responsible for placement of each wager to accumulate a portion thereof in an accumulation account that forms a jackpot, commonly known as a progressive pool. Jordan's system incorporate a random event generator that is activated by placement of a wager to generate a random event upon which an outcome of a turn on the game of chance is based and the outcome is one of a number of possible outcomes that includes a favorable outcome that causes the player to win contents of the accumulation account. A player is eligible to win awards

from this account when he/she is enrolled during a determined time interval (*see Jordan, col. 2: ln 16-67, col. 3: ln 1-col. 4: ln 20*)[claims 1 and 8].

Regarding claims 2-3, 9-10, Jordan teaches different turns for a player being that of a play of the game of chance. The limitation of 10 to 15 different turns of a game of chance on which the player has placed a wager does not provide a unexpected result but is an obvious matter of **DESIGN CHOICE** by the designer of the game to create the expected result of having the player perform a minimum requirement to qualify or enroll in the award price. Applicant has not disclose how the number of turns that are required produces an advantage or is used for a particular purpose over that of Jordan's rule of requiring just one play of the game to be eligible for the accumulation feature.

Regarding claims 4 and 11, Jordan teaches a pre-qualifying condition before being allowed entry into an event are well known throughout the art and the selection means selects the winner of the lottery at the expiration of the determined time interval (*see col. 2: ln 16-67, col. 3: ln 1- col. 4: ln 20*).

Regarding claims 5 and 12, Jordan teaches the time period has a predetermined start time and expires a finite time after the predetermined start time or when the balance of the accumulation account exceeds a predetermined threshold.

However, Jordan lacks in teaching the canceling of the lottery upon the occurrence of a favorable outcome or selecting a player if a favorable outcome does not occur.

In a related gaming patent, Torango teaches a progressive wagering system in which players are in a lottery. Torango teaches the lottery is cancelled if a favorable outcome occurs during the time interval. The system has a selection means activated to

select, if a favorable outcome of the game of chance does not occur during the determiniable time interval one of the enrolled players as a winner of the lottery as a function of a contingency plan that is determined by at least chance. Furthermore, Torango teaches the winner of the lottery is awarded the contents of the accumulation jackpot (*see Torango, col. 4: ln 35-44*). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the lottery cancelled if the favorable outcome was previously determined and to award the outcome to an eligible player if the outcome never occurred. For example if someone were to win a progressive jackpot it would have been obvious to cancel the lottery however if no one wins the jackpot it is obvious to award it to another player that at least someone wins. Such a feature would provide the expected incentive for people to play the progressive jackpot game and to be eligible for the jackpot.

Claims 6-7 and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jordan and Torango as applied to claims above, and further in view of Stoltz et al. (US 2003/009375 A1).

Regarding claims 6-7 and 13-14, teaches a progressive jackpot system that enrolls eligible players during a specific time interval as specified in the rejection above. However, Jordan and Torango lack in specifically teaching that a player enrolled in the lottery is uniquely identifiable by means of a corresponding unique code generated by a random number. In a related gaming patent, Stoltz teaches a lottery system in which enrolled players in the lottery are uniquely identified by means of a corresponding numerical code (*see Stolz paragraph [0005][claims 6 and 13]*). Stoltz's teaches that the

selection means is a random number generated and arranged so that each enrolled member has a unique code (*see Stoltz paragraph [0005][claims 7 and 14]*. One would be motivated to incorporate a unique code for identification in order to provide the predictable result of allowing a computing device to recognize different users while participating in a game. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the unique random number to identify players in the progressive jackpot games of Jordan and Torango with that of Stoltz. Furthermore, it is noted that by using a number to identify a player, the player can be tracked and their gaming information may be collected by a computer so that if the player wins the jackpot error may be relieved when contacting them to receive their rewards. Random numbers are a common way to form unique codes to identify items in electrical computing systems.

Conclusion

Any inquiry concerning this communication or earlier communication from the examiner should be direct to Ryan Hsu whose telephone number is (571)-272-7148. The examiner can normally be reached on M-F 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hotaling can be reached at (571)-272-4437.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, contact the Electronic Business Center (EBC) at 1-866-217-9197 (toll-free).

RH

July 16, 2009

/Dmitry Suhol/

Supervisory Patent Examiner, Art Unit 3714